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S E C R E T SANAA 002123

SIPDIS

E.O. 12958: DECL: 08/02/2015

TAGS: PREL PTER KAWC YM DEMARCH COUNTER TERRORISM

SUBJECT: ROYG UNWILLING TO ACCEPT RETURN OF GTMO DETAINEES  
UNLESS DETERMINED NEC

REF: A. STATE 139288  
B. STATE 139264  
C. STATE 136270  
D. STATE 92662  
E. STATE 95828  
F. SANAA 1570  
G. SANAA 04 2946 AND PREVIOUS

Classified By: DCM Nabeel Khoury for reasons 1.4 b and d.

¶1. (C) DCM delivered ref A and B notifications of Yemeni GTMO detainees scheduled to come before the Administrative Review Board (ARB) on August 2 to Deputy Foreign Minister Mustafa Noman, along with ref C demarche points "speaking out about GTMO and detainees."

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NECs Welcome Anytime, But...  
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¶2. (C) Norman told DCM that the ROYG was prepared to accept the return of a Yemeni detainee determined by the ARB to be a non-enemy combatant (NEC) as requested in ref D. As for other potential transfers of Yemenis from GTMO, including those listed in ref E request, the ROYG remains reluctant to accept their return under the conditions presented (in ref E).

¶3. (S) Norman said that he had consulted with the security authorities that would be responsible for detention and investigation of these individuals "to determine whether or not they continued to pose a threat to the U.S. or its allies" (ref E). Security officials share the same concerns of the MFA (ref F). If detention and investigation of these returnees reveal that they have not violated Yemeni law, it will cause a bilateral problem when we release them, explained the DFM. This is a situation the ROYG prefers to avoid.

¶4. (S) ROYG release of security detainees over strong U.S. objections has been an issue of contention between Yemen and the U.S. in the past, so much so that senior USG officials have intervened directly with President Saleh with mixed results.

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ROYG Wants USG Assurances  
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¶5. (S) Pointing to the issues that arose over Ramadan 2004 releasees (ref G), Noman asked if it was possible for the USG to provide assurance to the ROYG that it will not object should GTMO returnees be released following initial detention and investigation. The DFM implied that resolution of this issue without such assurances was unlikely.

Krajeski